



03-17-04

#12 DAC
PATENT
678503-2006.2
USSN 09/612,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Krasnykh and Curiel
Serial No. : 09/612,852
For : MODIFIED ADENOVIRUS CONTAINING A FIBER
REPLACEMENT PROTEIN
Filed : July 10, 2000
Examiner : Whiteman, Brian A.
Art Unit : 1635

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petition Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Charles Jackson
(Typed or printed name of person mailing paper or fee)

Charles Jackson
(Signature of person mailing paper or fee)

**PETITION UNDER 37 C.F.R. 1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Petition under 37 C.F.R. 1.137(b) to revive the above-identified application which was unintentionally abandoned as a result of a dismissal of the appeal in the application because the brief was not timely filed.

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665.00 OP

The above-identified application was transferred to the current attorneys of record (Power Of Attorney & Revocation Of Previous Powers is submitted concurrently herewith) on December 2, 2003 as part of a box of loose papers, not discrete files. As a result, reconstruction of the files occurred over several weeks. The file corresponding to the above-identified application was not reconstructed until January 22, 2004. Only then did Applicants become aware of the unintentional abandonment (mailed on August 29, 2003 as a Communication Re: Appeal). This petition to revive has been prepared and filed without intentional delay. Applicants hereby petition for revival of this application.

Also enclosed is the requisite fee in the amount of \$665.00 (small entity) as required by 37 CFR 1.17(m).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION:

1. A check for \$665.00 for the petition fee for revival of this application accompanies this Petition.
2. A Request for Continued Examination is attached hereto in order to expedite the revival of this application and a check for the fee of \$385.00 (small entity) accompanies this Petition.
3. Please charge any additional fees which may be incurred by reason of this Petition or credit any overpayment to Deposit Account No. 50-0320.
4. Verified Statement:
The delay caused by the abandonment of this application was unintentional.

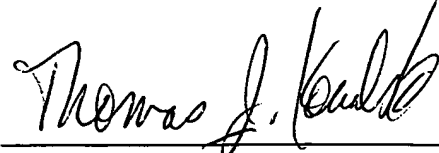
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application, any patent issuing thereon, or any patent to which this verified statement is directed.

As a result of the Request for Continued Examination submitted herewith, the Petition for revival of the unintentionally abandoned application, and the appropriate fees, it is respectfully requested that the above-identified application be revived and that the instant application be found in condition for allowance.

The Assistant Commissioner is authorized to charge any deficiency or credit any overpayment in these fees to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



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